

# CONDUCTING BUSINESS WITH THE TOWN OF MIAMI LAKES

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Construction Services



# Public Procurement

- Significant difference between awarding construction projects between public and private sectors
  - Formal solicitation process
  - Cone of Silence
    - Starts when solicitation is advertised & remains in effect until Town Manager issues written recommendation which is posted on the Town's website
  - Methods of award
  - Local Preference
  - Contractual requirements
  - Bond requirements
  - Construction process is more formalized
  - Payment process

# Procurement Regulations

- Florida Statutes – Chapter 255
  - <http://www.leg.state.fl.us/Statutes/>
- Town's Procurement Code – Ordinance 12-142
  - Town's Procurement Home Webpage

# Local Preference

- To be considered a company must meet the following
  - Possess a business tax receipt 6 months prior to the issuance of the solicitation
  - 10% of the workforce must reside in the Town
  - Goods or services must be provided from the local office if the company has multiple offices
  - Must submit local preference form (available on the Town's website)
- Benefits
  - Awards based on price – bidder within 5% of low bidder can offer a price 5% less than low bidder
  - Awards based on qualifications – proposer receives 5 points or 5% of total points, whichever is less
  - Awards based on qualifications & price – proposer receives the 5 points/5% plus 3 points/3%, whichever is less

# Types of Solicitations

- Invitation To Bid (ITB)
  - Award made to the lowest responsive and responsible bidder
  - ITB contains minimum qualifications that must be met
  - Bidder must complete a questionnaire as part of the ITB
  - Bidder must the specified number of references, using the Town's form)
  - Contractor submits a firm fixed price for the work
    - Bid may contain optional items which must be priced
  - Limited ability to conduct negotiations

# Types of Solicitations (cont.)

- Requests For Proposals (RFP)
  - Award is based on a combination of qualifications and price
  - RFP requires companies to submit information on their experience and qualifications, including
    - Details on company, its ownership and qualifications
    - Experience in performing similar work
    - Details on similar work performed, including information on change orders, RFIs, delays, cost, communications, etc.
    - Approach to managing the project
  - References are required using town forms
  - Evaluation criteria are established with weights which are used to determine the most qualified company
  - Evaluation is conducted by a committee
  - Greater flexibility to negotiate

**This is the method the Town will use for project greater than \$100,000**

# Solicitation Process

- RFP/ITB prepared
- Solicitation is advertised in the Daily Business Review
- Cone of Silence is in effect from date of advertisement
- Solicitation is posted on Town's website at [http://miamilakes-fl.gov/index.php?option=com\\_docman&view=docman&Itemid=278](http://miamilakes-fl.gov/index.php?option=com_docman&view=docman&Itemid=278)
- RFIs must be submitted in writing to [procurement@miamilakes-fl.gov](mailto:procurement@miamilakes-fl.gov)
- RFIs will be responded to via written addenda on the Town's website. Bidder is responsible to check the website for addendum.
  - Submitting RFIs is critical in help ensure less problems or issues are encountered during the construction phase.

# Solicitation Process (cont.)

- Bids/Responses must be submitted to the Town Clerk
  - Late submissions will not be considered
  - Bidders can only submit on bid/proposal
- Public bid opening held to identify the bidders/proposers
- Information on the bid/proposal submissions is not available for 30 days after the bid opening or until the Town Manager issues written recommendation
- Procurement reviews the bids/proposals to determine if they are responsive
  - If they are not responsive they will not be considered
- Responsive bids/proposals are evaluated



# Solicitation Process (cont.)

- **(ITB)** Bidder will be reviewed by Town staff to determine if they are responsible
- Bidders may be requested to provide additional information
- **(RFP)** Proposals will be evaluated by a committee appointed by the Town Manager
- Proposers may be requested to attend a question & answer session
- **(RFP)** Committee will score and rank the proposals & issues it recommendation to the Town Manager
- **(RFP)** Town Manager may accept, reject, or return the recommendation to the Committee for further action
- Town Manager's recommendation will be posted on the Town's website and bidders will be notified in writing

# Solicitation Process (cont.)

- Town Manager's recommendation placed on the Town Council Agenda
- Upon approval contract will be executed

To be successful it is critical that you follow the directions in the solicitation. Make sure you provide the what is requested. Do not provide information that is not requested as it will not be considered.

If you are not sure submit an RFI requesting clarification to [procurement@miamilakes-fl.gov](mailto:procurement@miamilakes-fl.gov).

# Contract Requirements

- Performance & Payment Bond required by State of Florida for all projects in excess of \$200,000
- 10% retainage on each payment
- Contract contains very specific requirements some of which contain very specific timelines or submittal requirements.
- Contractor must use Town's payment requisition form & other forms related to material stored on site, change orders, substantial completion, punchlist, etc.

**Being familiar with the contract requirements will help ensure a successful project**

# Payments

- Payments are made based on the State of Florida's Local Government Prompt Payment Act
  - 20 calendar days – timeframe for Town to make payment to the contractor if no A/E is involved
  - 25 calendar days - timeframe for Town to make payment to the contractor if A/E is involved
  - 10 calendar days – timeframe for contractor to make payment to subcontractors & suppliers from receipt of payment
  - 7 calendar days – timeframe for subcontractor to make payment to their subcontractors & suppliers from receipt of payment

# Construction Phase

- Kick-off meeting will be held and Notice to Proceed is typically provided
- 10% retainage is kept on all invoices.
- Typically bi-weekly progress meetings will be held
- Proposed project schedule (MS Project format) submissions within 10 calendar days of award
  - Baseline schedule is established & monthly updates must be provided
- Schedule of values submissions within 10 calendar days of award
  - Baseline schedule of values required
- Shop drawings list & submittal schedule provided within 5 calendar days of award
- Any deviations in plans must be approved in writing in advance

**Communication and coordination is critical to the successful completion of a project**